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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/475,147	12/30/1999	ERAN ALONI	1795/3	6007

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EXAMINER

BARQADLE, YASIN M

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/475,147	ALONI ET AL.	
	Examiner	Art Unit	
	Yasin M. Barqadle	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) 30 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-25 and 33-42 is/are allowed.
- 6) ☒ Claim(s) 26-32 and 43-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

1. The amendment filed on October 22, 2004 regarding claims 26-29, 31-32 and 43-44 has been fully considered but are not deemed to be persuasive.

- Claims 1-29 and 31-44 are presented for examination.

Allowable Subject Matter

2. Claims 1-25 and 33-42 are allowed.

Response to Arguments

3. In response to Applicant's arguments in page 18, that "Cloutier fails to disclose or suggest that a user generates a notification request." Examiner contends that Cloutier teaches notifying high priority messages to subscribers who subscribe to an alerting message service according to a defined set of criteria col. 2, lines 18-41 and col. 3, lines 21-41. Therefore, subscriber generate a notification request so that they can be notified when there is a high priority message according to their wishes and desires col. 5, lines 49-60.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 26-29, 31-32 and 43-44 are rejected under 35 U.S.C. 102(e) as being anticipated by Cloutier et al US (6,535,586).

As per claim 26, Cloutier et al teach a method for sending a message to a subscriber by a requesting user (fig. 1), the method comprising:

(a) generating a notification request by the requesting user at a source notifying high priority messages to subscribers who subscribe to an alerting message service according to a defined set of criteria col. 2, lines 18-41; col. 3, lines 21-41 and col. 5, lines 49-60];

(b) sending the notification request directly from the source to the notification server [Fig. 1. Col. 3, lines 20-41];

(c) selecting a notification mechanism for notifying the subscriber by the notification server [col. 3, lines 57 to col. 4, line 38]; and

(e) sending the notification to the subscriber through the notification mechanism by the notification server, wherein a notification mechanism for notifying the subscriber is determined independently of the manner in which the request user provides notification request message [messages are provided to subscribers via pagers, computers, PCS devices with SMS message, etc Col. 2, lines 30-49. See also col. 6, lines 36-61].

As per claim 27, Cloutier et al teach the method of claim 26, wherein (c) further comprises the step of determining a

Art Unit: 2153

communication mode for notifying the subscriber [Col. 2, lines 30-41 and col. 6, lines 36-61].

As per claim 28, Cloutier et al teach determining a time for notifying the subscriber [Col. 5, lines 40-52].

As per claim 31, Cloutier et al teach the method of claim 26, wherein the selection of the notification mechanism is based on a preference of the subscriber [Col. 5, lines 40-52 and col. 6, lines 36-61].

As per claim 32, Cloutier et al teach the method of claim 26, wherein the selection of the notification mechanism is based capability of a receiving device associated with the subscriber [Col. 5, lines 24-60].

As per claim 43, Cloutier et al teaches wherein the notification request is input at the source by the requesting user via a web page [col. 7, lines 17 to col. 8, line 11].

As per claims 44, Nielsen teaches the method of claim 43, wherein said web page is provided to the source by the notification server [col. 7, lines 17 to col. 8, line 11].

Conclusion

5. **ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

The prior made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yasin Bargadle whose telephone number is 571-272-3947. The examiner can normally be reached on 9:00 AM to 5:30 PM.


Art Unit: 2153

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 571-272-3949. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Yasin Barqadle

Art Unit 2153


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